

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

\* \* \* \* \*

United States of America,

vs.

AMENDED  
ARRAIGNMENT NOTICE  
AND SCHEDULING ORDER

Jerry Hal Saliterman,

Defendant.

Criminal No. 24-cr-72 (PJS/LIB)

\* \* \* \* \*

On April 3, 2024, the Defendant filed a Motion to Continue Dates Specified in the Arraignment Notice and Scheduling Order (Docket No. 15) and Trail Notice (Docket No. 17), [Docket No. 20]. The Defendant requests an unspecified continuance of the current dates and deadlines in this matter due to delays in production of the voluminous discovery and to the overall complexity of the case. On April 12, 2024, the Defendant filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act [Docket No. 23], advising that the Defendant agrees with an unspecified extension of time for the deadlines in his case, and agrees that an unspecified amount of time being waived from the speedy trial calculations in his case. Also on April 12, 2024, the Government filed its response to the Defendant's motion for continuance [Docket No. 24], advising that it does not generally object to a continuance in this matter, but requesting that a trial date be set no later than August 2, 2024. Based upon review of all of the files and proceedings herein, and **pursuant to Local Rule 12.1 (copy attached), IT IS HEREBY ORDERED that:**

1. The Defendant's Motion to Continue Dates Specified in the Arraignment Notice and Scheduling Order (Docket No. 15) and Trail Notice (Docket No. 17), [Docket No. 20], is **GRANTED, in part.**

2. The Defendant shall file an updated statement of facts in support of exclusion of time under speedy trial, stating specific dates for waiver of his speedy trial time, by no later than **April 19, 2024**.

3. The Court finds that such continuance best serves the ends of justice and that such ends outweigh the interests of the public and the defendant in a speedy trial in this matter under 18 U.S.C. 3161(7)(A). Having made these findings, the Court excludes the time from April 2, 2024<sup>1</sup>, to July 22, 2024<sup>2</sup>, from speedy trial considerations in this matter.

4. The Government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **July 22, 2024**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the Motions Hearing, the Government is requested to make, **July 22, 2024**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

5. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **July 29, 2024**. D. Minn. LR 12.1(a)(2).

6. The parties must disclose the identity of any expert witness they intend to use in their case-in-chief and make all expert disclosures related thereto as required by Federal Rule of Criminal Procedure 16 no later than twenty-eight (28) days before trial. The parties must disclose the identity of any expert who will testify in rebuttal of any disclosed case-in-chief expert witness

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<sup>1</sup> Counsel for the Defendant attempted to file this motion on April 2, 2024, but filed it using the wrong event in CM/ECF, so that motion was marked as “Filed in Error”. The Court excludes the time from the date counsel for the Defendant filed that initial motion in the Defendant’s speedy trial exclusion.

<sup>2</sup> None of the Defendant’s filings [Docket Nos. 20, 23] list a date certain for the requested continuance. The Court therefore, upon review of the record, grants a continuance of the pretrial motions deadline to July 22, 2024.

and make all disclosures related to such rebuttal expert as required by Federal Rule of Criminal Procedure 16 no later than ten (10) days before trial. Fed. R. Civ. P. 16(a)(1)(G).

7. All Motions in the above-entitled case must be filed and served through CM/ECF consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **August 5, 2024**<sup>3</sup>. D. Minn. LR 12.1(c). One courtesy copy of all motions and responses must be delivered directly to the chambers of Magistrate Judge Leo I. Brisbois.<sup>4</sup>

8. **Counsel must electronically file a letter on or before August 5, 2024, if no Motions will be filed and there is no need for Hearing.**

9. All Responses to Motions must be filed by **August 19, 2024**. D. Minn. LR 12.1(c)(2).

10. Any Notice of Intent to call Witnesses<sup>5</sup> must be filed by **August 19, 2024**. D. Minn. LR. 12.1(c)(3)A).

11. Any Responsive Notice of Intent to Call Witnesses<sup>6</sup> must be filed by **August 22, 2024**.

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<sup>3</sup> “Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute.” D. Minn. LR 12.1(b).

<sup>4</sup> U.S. Mail or hand-deliver to Room 412, Gerald W. Heaney Federal Building and U.S. Courthouse, 515 W. First St., Duluth, Minnesota 55802.

<sup>5</sup> “When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim. P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(A).

<sup>6</sup> “If after reviewing a notice under LR 12(c)3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(B).

12. The Arraignment of the above-named Defendant is set for **Monday, August 26, 2024, at 1:30 p.m.** in Courtroom 3 of the Gerald W. Heaney Federal Building, 515 West First Street, Duluth, Minnesota.

13. A Motions Hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its Motion, objection or response pleadings.

14. If required, the Motions Hearing will be conducted before United States Magistrate Judge Leo I. Brisbois on **August 26, 2024, at 1:30 p.m.**, in Courtroom No. 3, Gerald W. Heaney Federal Building and U.S. Courthouse and Customhouse, 515 West First St., Duluth, Minnesota. D. Minn. LR 12.1(d).

15. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT, the following Trial and Trial-related dates are:**

That all Trial Briefs, Voir Dire questions, proposed Jury Instructions, and Trial-related Motions (including Motions-in-Limine) shall be submitted to Chief Judge Patrick J. Schiltz's Chambers by **4:00 p.m., August 28, 2024**. Counsel shall also email the proposed Jury Instructions to Chief Judge Patrick J. Schiltz at [Schiltz\\_chambers@mnd.uscourts.gov](mailto:Schiltz_chambers@mnd.uscourts.gov).

Responses to Trial-related Motions (including Motions-in-Limine) shall be submitted to Chief Judge Schiltz's Chambers by **4:00 p.m. September 9, 2024**.

A Status Conference will be held with Chief Judge Patrick J. Schiltz at **9:00 a.m., on September 9, 2024**, in Courtroom No. 1, Gerald W. Heaney Federal Building and U.S. Courthouse

and Customhouse, 515 West First St., Duluth, Minnesota. The Government must submit its list of prospective witnesses and prospective exhibits at this Conference.

Trial will commence on **September 9, 2024, at 1:30 p.m., before Chief Judge Patrick J. Schiltz, in Courtroom No. 1, Gerald W. Heaney Federal Building and U.S. Courthouse and Customhouse, 515 West First St., Duluth, Minnesota.**

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on Pretrial Motions. Counsel must contact the Courtroom Deputy for Chief Judge Patrick J. Schiltz to confirm the new trial date.**

DATED: April 17, 2024

s/Leo I. Brisbois  
Hon. Leo I. Brisbois  
U.S. MAGISTRATE JUDGE